

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

QUINN AARON KLEIN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-11-0601-HE
)	
JUSTIN JONES, ET AL.,)	
)	
Defendants.)	


ORDER

Plaintiff Quinn Klein, a state prisoner appearing *pro se* and *in forma pauperis*, filed the present action under 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. He has recommended the complaint be dismissed without prejudice for failure to state a claim. [Doc. #20]. Objections to Judge Purcell’s Report and Recommendation were due by August 29, 2011.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the court **ADOPTS** Magistrate Judge Purcell’s Report and Recommendation [Doc. #20] and **DISMISSES** plaintiff’s complaint [Doc. #1] without prejudice.

IT IS SO ORDERED.

Dated this 14th day of November, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE